

AO 85 (Rev. 01/09) Notice, Consent and Reference of a Civil Action to a Magistrate Judge

**UNITED STATES DISTRICT COURT**  
for the

|           |   |                  |
|-----------|---|------------------|
| Plaintiff | ) |                  |
|           | ) |                  |
| v.        | ) | Civil Action No. |
|           | ) |                  |
| Defendant | ) |                  |

**NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE**

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States Court of Appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case, including trial, the entry of final judgment, and all post-trial proceedings.

| Parties' printed names | Signatures of parties or attorneys | Dates |
|------------------------|------------------------------------|-------|
|                        |                                    |       |
|                        |                                    |       |
|                        |                                    |       |
|                        |                                    |       |

**Reference Order**

**IT IS ORDERED:** This case is referred to a United States magistrate Judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: \_\_\_\_\_

\_\_\_\_\_  
District Judge's signature

\_\_\_\_\_  
Printed name and title

Note: Return this form to the Clerk of Court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. **DO NOT** return this form to a judge.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

Plaintiff(s),

v.

Case No.

Defendant(s).

CONSENT TO HAVE A MAGISTRATE JUDGE RULE ON DESIGNATED CASE-DISPOSITIVE MOTIONS

In accordance with 28 U.S.C. § 635(c) and Rule 73 of the Federal Rules of Civil Procedure, the parties to the above-captioned civil matter hereby consent to have a Magistrate Judge rule upon the following designated motions and to order entry of judgment if appropriate, with the understanding that the case will still be tried before the assigned District Judge, if necessary, and that any appeal from the Magistrate Judge's ruling(s) on the designated motion(s) will be taken directly to the United States Court of Appeals for the Second Circuit. The parties understand that absent this consent, the Magistrate Judge's authority to address the designated motion(s) would be as provided in 28 U.S.C. § 636(b)(1)(B).

| <u>Document Number</u> | <u>Description of Motion</u> |
|------------------------|------------------------------|
| _____                  | _____                        |
| _____                  | _____                        |
| _____                  | _____                        |

| <u>Name of Party</u> | <u>Signature of Party or Counsel</u> | <u>Date</u> |
|----------------------|--------------------------------------|-------------|
| _____                | _____                                | _____       |
| _____                | _____                                | _____       |
| _____                | _____                                | _____       |

ORDER OF REFERENCE UPON PARTIAL CONSENT

It is hereby ordered that the above-designated motion(s) is (are) referred to Magistrate Judge \_\_\_\_\_ For final decision.

Dated: \_\_\_\_\_

UNITED STATES DISTRICT JUDGE

RETURN THIS FORM TO THE CLERK OF COURT **ONLY IF** ALL PARTIES HAVE INDICATED ON THIS FORM THEIR CONSENT TO THE EXERCISE OF THE MAGISTRATE JUDGE'S AUTHORITY AS DESCRIBED ABOVE.